

REMARKS/ARGUMENTS

Claims 1-10, 12-19, 25-34, 36-43, 49-55 and 56-64 are pending in this application. Claims 54 and 55 are withdrawn from consideration. Claims 1, 12, 14, 25, 36, 38, 49, and 50 were amended and new claims 56-64 were added to more distinctly claim the invention. Support for the new and amended claims can be found in the specification. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-10, 12-19, 25-34, 36-43, and 49-53 are rejected as allegedly being obvious over Lockhart et al (WO 97/27317) ("Lockhart") in view of Zhao et al (Gene Vol. 156 pp. 207-213, 1995) ("Zhao").

Applicants respectfully traverse all the Examiner's rejections.

A. Claim 1

Lockhart and Zhao, even if combined, fail to disclose or suggest all limitations of claim 1. More particularly, claim 1 recites "receiving an input of selection of said first mark; and in response to said input, displaying information associated with said first expressed sequence obtained from a sequencing analysis." (Applicants' claim 1, emphasis added). Lockhart and Zhao, even if combined, fail to disclose or suggest these claim limitations.

Specifically, the Examiner conceded that "Lockhart et al do not teach presenting expression level information by displaying on a first axis representing the expression level in a first sample, displaying on second axis representing the expression level in the second axis and displaying a mark relative to the two axes and inputting and receiving information associated with sequence." (Office Action mailed April 5, 2004, page 4, last 4 lines, emphasis added).

Moreover, the Examiner appeared to have conceded that Zhao does not teach receiving an input of selection of said first mark, and in response to said input displaying information associated with said first expressed sequence. The Examiner asserted that "it was well known in the art at the time the invention was made to input into computer to receive information from display screen. It would have been prima facie obvious to input Zhao et al's

computer to derive date of the expression level from the display.” (Office Action mailed April 5, 2004, page 6, lines 14-16).

Zhao discloses a method for analyzing large numbers of cDNA plasmids from brain tissue. The Zhao method includes analyzing the amount of radioactivity existing at each probe and performing a data analysis as illustrated by a series of graphs in Fig. 3, page 211. Afterwards, Zhao performed a sequencing analysis for clones of interest, as shown in Fig. 1, page 209. Thus, at the time of producing the graph, Zhao did not know information obtained from a sequencing analysis. Zhao, either alone or in combination with other references, does not disclose, teach or suggest receiving an input of selection of the first mark and in response to the input, displaying information associated with the first expressed sequence obtained from a sequencing analysis.

B. Claim 12

In light of the above, claim 12 is allowable for substantially the same reason as claim 1, and more particularly for the specific limitations it recites. Lockhart and Zhao, even if combined, fail to disclose or suggest “said information comprises an identifier for said first expressed sequence.” (Applicants’ claim 12, emphasis added).

Accordingly, claim 12 is asserted to be allowable for at least the above reasons.

C. Claim 13

In light of the above, claim 13 is allowable for substantially the same reason as claim 12, and more particularly for the specific limitations it recites. Lockhart and Zhao, even if combined, fail to disclose or suggest “said identifier for said first expressed sequence comprises a GenBank accession number.” (Applicants’ claim 13, emphasis added).

Accordingly, claim 13 is asserted to be allowable for at least the above reasons.

D. Claim 14

In light of the above, claim 14 is allowable for substantially the same reason as claim 13, and more particularly for the specific limitations it recites. Lockhart and Zhao, even if combined, fail to disclose or suggest “said information associated with said first expressed sequence comprises a GenBank database record for said first expressed sequence.” (Applicants’ claim 14, emphasis added).

Accordingly, claim 14 is asserted to be allowable for at least the above reasons.

E. Claim 50

In light of the above, claim 50 is allowable over Lockhart and Zhao. Lockhart and Zhao, even if combined, fail to disclose or suggest “receiving an input of selection of the first mark; and in response to at least the input, retrieving information associated with the first expressed sequence obtained from a sequencing analysis.” (Applicants’ claim 50, emphasis added).

Accordingly, claim 50 is asserted to be allowable for at least the above reasons.

F. Claim 51

In light of the above, claim 51 is allowable for substantially the same reason as claim 50, and more particularly for the specific limitations it recites. Lockhart and Zhao, even if combined, fail to disclose or suggest “the retrieving information comprises sending an query to a website.” (Applicants’ claim 51, emphasis added).

Accordingly, claim 51 is asserted to be allowable for at least the above reasons.

G. Claim 52

In light of the above, claim 52 is allowable for substantially the same reason as claims 51, and more particularly for the specific limitations it recites. Lockhart and Zhao, even if combined, fail to disclose or suggest “the website is a GenBank website.” (Applicants’ claim 52, emphasis added).

Accordingly, claim 52 is asserted to be allowable for at least the above reasons.

H. Remaining Claims

In light of the above, it is asserted that claims 2-10, 15-19, 25-34, 39-43, 49 and 53 are allowable for substantially the same reason as claim 1, and more particularly for the specific limitations they recite.

Additionally, it is asserted that claim 36 is allowable for substantially the same reason as claim 12, claim 37 is allowable for substantially the same reason as claim 13, and claim 38 is allowable for substantially the same reason as claim 14.

New Claims

New claims 56-64 have been added to more distinctly claim the invention. Applicants respectfully submit that neither Zhao nor Lockhart, alone or in combination, disclose or suggest, among others, "in response to said input, displaying at least information associated with said first expressed sequence; wherein said information comprises a description for said first expressed sequence; and said information is free from said first expression level and said second expression level." (Applicants' claim 56, emphasis added).

Additionally, neither Zhao nor Lockhart, alone or in combination, disclose, among others, any of the following:

"displaying a nucleotide sequence for said first expressed sequence."
(Applicants' claim 57, emphasis added);

"displaying a GenBank database record for said first expressed sequence."
(Applicants' claim 58, emphasis added);

"displaying a GenBank accession number for said first expressed sequence."
(Applicants' claim 59, emphasis added);

"displaying locus information for said first expressed sequence." (Applicants' claim 60, emphasis added);

"displaying a gene definition associated with said first expressed sequence."
(Applicants' claim 61, emphasis added);

“displaying a scientific name for said first expressed sequence.” (Applicant’s claim 62, emphasis added);

Hence the new claims 56-64 should be allowed.

Double Patenting

Claims 1-10, 12-19, 25-34, 36-43 and 49-53 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 6,420,108. U.S. Patent No. 6,420,108 was issued from U.S. Application Serial No. 09/020,743, and the above identified application is a continuation application of the same U.S. Application Serial No. 09/020,743. As suggested by the Examiner, these rejections can be overcome by filing a terminal disclaimer. In response, applicants will file a terminal disclaimer when other issues of patentability related to the above identified application are resolved.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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